

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

**UNITED STATES OF AMERICA**

**vs.**

**YAMA TOKHI**

**Defendant.**

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**Crim. No. 1:18:CR00324-001**

**Sentencing: January 31, 2020**

**Court: Hon. Liam O'Grady**

**MOTION TO WITHDRAW DUE TO CONFLICT OF INTEREST AND MOTION TO  
CONVERT JANUARY 31, 2020 SENTENCING DATE TO AN ASCERTAINMENT OF  
COUNSEL DATE**

COMES NOW, the defendant, Yama Tokhi, through and by counsel Edward J. Ungvarsky, and respectfully moves this Honorable Court to grant the defense motion to withdraw Mr. Ungvarsky as counsel of record due to an identified conflict of interest and motion to convert the January 31, 2020 sentencing date into an ascertainment of counsel date to give Mr. Tokhi time to locate and hire substitute counsel and to then set a new hearing date for sentencing. Undersigned spoke with the assigned Assistant U.S. Attorney yesterday, and can represent that the government does not oppose converting the sentencing date to an ascertainment of counsel hearing. The government did not express a position as to the motion to withdraw. Undersigned counsel would be present at any ascertainment of counsel date to answer any questions by the Court as to the identified conflict should the Court wish that to occur prior to granting the motion to withdraw.

Mr. Tokhi's case originated in the summer of 2018, and he is scheduled for a sentencing hearing for January 31, 2020. Mr. Tokhi is on pretrial release in this matter. In preparing for the hearing last week, undersigned counsel identified a conflict of interest that requires counsel to move to withdraw from Mr. Tokhi's case. In addition to counsel's own analysis of the situation,

counsel sought and obtained advice from other attorneys. Counsel greatly regrets the need to move to withdraw, particularly at this stage of the case. Upon identifying the need to move to withdraw, counsel advised Mr. Tokhi of the conflict and the impending motion to motion, informed Bent Keith, the probation officer who is charged with updating the Presentence Report, and informed the government counsel assigned to this case. The government concurred with counsel's suggestion to move to convert the sentencing date to an ascertainment of counsel date. Undersigned counsel can and would be present at that hearing, and could address *ex parte* and under seal any questions by the Court.

**WHEREFORE**, for the reasons stated herein, Mr. Tokhi respectfully asks this Court to grant the motion to withdraw of Edward J. Ungvarsky as counsel of record for Mr. Tokhi in this matter and to convert the January 31, 2020 hearing date from a sentencing date to an ascertainment-of-counsel date.

Respectfully submitted,

/s/ EDWARD J. UNGVARSKY

Tokhi Yama

*By Counsel*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that a true and correct copy of the foregoing Motion was delivered by electronic filing, this 7th day of January, 2020, to, Assistant United States Attorney Karolina.Klyuchnikova, 2100 Jamieson Avenue, Alexandria, VA 22314 (Karolina.Klyuchnikova@usdoj.gov).

/s/ EDWARD J. UNGVARSKY

Edward J. Ungvarsky